

REMARKS

REQUEST FOR RECONSIDERATION

Claims 24-37 and 43-48 are pending. In the Final Office Action, the Examiner rejected Claims 24-37 and 43-48. Reconsideration and allowance of all pending claims is respectfully requested in view of the following remarks.

Objected Material

Applicant notes with appreciation the indication by the Examiner that Claims 27 and 48 include patentable subject matter, and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, for the reasons discussed below, Applicant respectfully contends that Claims 27 and 48 are patentably distinguishable from the references cited by the Examiner, without the need for such an amendment.

Rejections Under 35 U.S.C. 102

Claims 24, 30-37, 43 and 44 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,785,930 issued to Fischer et al ("Fischer"). Applicant respectfully traverses these rejections for the reasons stated below.

To anticipate a claim, each and every limitation must be found in a reference. In addition, "[t]he identical invention must be shown in as complete detail as is contained in the ... claims" and "[t]he elements must be arranged as required by the claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 USPQ 2d 1566 (Fed. Cir. 1990); MPEP § 2131 (*emphasis added*).

A. Fischer does not disclose, teach, or suggest a first flange that "extends from the outer surface of the storage vessel at a location between the access opening and the stacking lug, thereby forming a cylindrical neck between the access opening and the stacking lug."

Claim 24 is directed to a container that includes a storage vessel with an interior compartment, and an access opening at one end. A generally rectangular stacking lug is disposed upon an outer surface of the storage vessel. A first flange extends from the outer

surface of the storage vessel at a location between the access opening and the stacking lug thereby forming a cylindrical neck between the access opening and the stacking lug. *Fischer* does not disclose, teach, or suggest each of these limitations.

The Final Office Action contends that the first flange is disclosed by the "outwardly curled end edge of tube 2 as best shown in FIG. 3 and 5" of *Fischer*. See *Final Office Action*, page 2. However, the "curled end edge of tube 2" to which the Final Office Action refers actually defines the access opening. Since the "outwardly curled end edge" forms the access opening, it cannot extend from the outer surface of the storage vessel at a location between the access opening and the stacking lug", as required by Claim 24. Even if the "outwardly curled end edge" of *Fischer* qualified as a flange, it cannot be located between itself and a stacking lug. The Final Office Action readily admits that the "outwardly curled end edge" forms the opening at page 2, where it states "the left side of the first flange defines the access opening shown in Fig. 5 . . .".

B. Fischer does not disclose, teach, or suggest "the first flange being sized to cooperate with a corresponding second flange extending from an exterior surface of the end cap."

Applicant respectfully contends that the "outwardly curled end edge of tube 2" is not "sized to cooperate with" the edge of hinged lid 6 of *Fischer*. With reference to Figures 2, 3, 5 and 6 of *Fischer*, it is clear that there is no cooperation between "outwardly curled end edge of tube 2" and the edge of hinged lid 6 of *Fischer*. Therefore, the "outwardly curled end edge of tube 2" is not "sized to cooperate with a corresponding second flange extending from an exterior surface of the end cap", as required by Claim 24.

C. Fischer does not disclose, teach, or suggest "a generally rectangular first stacking lug being disposed upon the outer surface and having a generally cylindrical, tubular interior diameter operable to receive the storage vessel therein."

The Final Office Action contends that these limitations are met by collar 8 of *Fischer*. However, the collar 8 of *Fischer* does not include a "generally cylindrical, tubular interior diameter operable to receive the storage vessel therein." As illustrated in Figure 2, collar 8 includes a top face (stacking surface 3), bottom face (stacking surface 4), front face (upon which bracket 22 is provided), and a rear face (opposite the front face). The volume between these four faces is hollow. Therefore, container tube 2(a) is disposed within a circular

opening of the front face, and a circular opening of the rear face of the collar 8. Since these opening are not connected, *Fischer* does not disclose, teach, or suggest a stacking lug having "a generally cylindrical, tubular interior diameter operable to received the storage vessel therein", as required by Claim 24.

For at least the reasons discussed in paragraphs A-C above, Applicant respectfully contends that Claim 24 is patentably distinguishable from *Fischer*.

Claims 30-37, 43 and 44 each depend, either directly or indirectly, from independent Claim 24. Therefore, Applicant respectfully contends that Claims 30-37, 43 and 44 are each patentably distinguishable from *Fischer* for example, for the reasons discussed above with regard to Claim 24.

Claims 30-37, 43 and 44 include additional limitations that further distinguish the present invention from the apparatus disclosed in *Fischer*. For example, Claim 34 includes the limitation "wherein the storage vessel and removable end cap are operable to form a pressure vessel." *Fischer* does not disclose, teach, or suggest such limitations.

Rejections Under 35 U.S.C. 103

Claims 25, 26, 46 and 47 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fischer* in view of U.S. Patent No. 3,599,826 issued to Rocher ("Rocher"). Claims 25 and 46 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fischer* in view of U.S. Patent No. 5,438,935 issued to Seitz ("Seitz"). Claim 28 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fischer* in view of U.S. Patent No. 4,733,773 issued to LaBianca et al. ("LaBianca"). Claim 29 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fischer* in view of LaBianca and U.S. Patent No. 4,660,733 issued to Snyder et al. ("Snyder"). Claim 45 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fischer* in view of U.S. Patent No. 2,916,141 issued to Arnot. ("Arnot"). Applicant respectfully traverses these rejections for the reasons stated below.

Each of Claims 25, 26, 28, 29, and 45-47 depend, either directly or indirectly, from independent Claim 24. Therefore, Applicant respectfully contends that Claims 25, 26, 28, 29 and 45-47 are patentably distinguishable from the references cited by the Examiner for example, for the same reasons discussed above with regard to Claim 24.

CONCLUSION

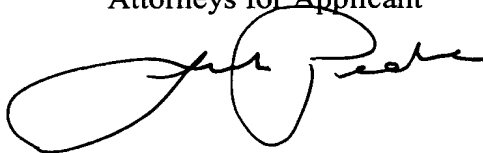
Applicant has made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicant respectfully requests full allowance of all pending Claims.

If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

Applicant believes no fees are due, however, if it is determined that any fees are due, the Commissioner is hereby authorized to charge said fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicant



Luke K. Pedersen
Reg. No. 45,003

Date: 9/3/03

2001 Ross Avenue, Suite 600
Dallas, Texas 75201-2980
Tel. (214) 953-6655
Fax (214) 661-4655

05073

Patent Trademark Office

BEST AVAILABLE COPY